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FIFTY-EIGHTH LEGISLATURE

SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 24, 2006

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Goedde, absent and formally excused by the Chair; and Senators Cameron, Compton, Little, and Marley, absent and excused.

Prayer was offered by Senator McGee.

The Pledge of Allegiance was led by Angela Andersen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Compton and Little were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 23, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 24, 2006

The JUDICIARY AND RULES Committee reports that **S 1295, S 1296, S 1297, and S 1298** have been correctly printed.

DARRINGTON, Chairman

S 1295 was referred to the Commerce and Human Resources Committee.

S 1296, S 1297, and S 1298 were referred to the Judiciary and Rules Committee.

January 23, 2006

The JUDICIARY AND RULES Committee reports out **S 1250, S 1251, and S 1252** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1250, S 1251, and S 1252 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Marley was recorded present at this order of business.

January 23, 2006

Mr. President:

I transmit herewith **H 404** which has passed the House.

JUKER, Chief Clerk

H 404 was filed for first reading.

January 23, 2006

Mr. President:

I return herewith Enrolled **S 1263** which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1263** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1299

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO NONPROFIT TIMBER PROTECTIVE ASSOCIATIONS; AMENDING CHAPTER 1, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-104A, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE SPECIFIED RESTRICTIONS RELATING TO LIABILITY OF NONPROFIT TIMBER PROTECTIVE ASSOCIATIONS WHILE PERFORMING CONTRACTS WITH THE STATE OF IDAHO OR ANY AGENCY OF THE STATE OF IDAHO; AND DECLARING AN EMERGENCY.

S 1300

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO SEX OFFENDERS; AMENDING SECTION 18-8314, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE SEXUAL OFFENDER CLASSIFICATION BOARD TO PROVIDE FOR BOARD REVIEW OF CERTAIN CRIMES AND VIOLATIONS; AND DECLARING AN EMERGENCY.

S 1301
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO MANDATORY MINIMUM SENTENCING; AMENDING SECTION 19-2520G, IDAHO CODE, TO INCREASE THE MANDATORY MINIMUM TERM OF CONFINEMENT FOR CERTAIN SEX OFFENDERS TO FIFTEEN YEARS AND TO PROVIDE FOR A MANDATORY MINIMUM TERM OF LIFE IMPRISONMENT FOR CERTAIN REPEAT SEX OFFENDERS DESIGNATED AS VIOLENT SEXUAL PREDATORS.

S 1302
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO DEATH SENTENCES; AMENDING SECTION 19-2827, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE JUDICIAL REVIEW OF THE IMPOSITION OF THE DEATH PENALTY.

S 1303
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO MISUSE OF PUBLIC FUNDS; AMENDING SECTION 18-5701, IDAHO CODE, TO PROHIBIT THE MISUSE OF CERTAIN PUBLIC FINANCIAL INSTRUMENTS AND DEVICES, TO MAKE A GRAMMATICAL CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 18-5703, IDAHO CODE, TO DEFINE TERMS.

S 1304
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO CRIMINAL PROCEDURE; AMENDING SECTION 19-2604, IDAHO CODE, TO SET FORTH PROVISIONS APPLICABLE TO JUDGMENTS FOR OFFENSES REQUIRING SEX OFFENDER REGISTRATION, TO CLARIFY THE TERM "CONVICTION" AND TO MAKE TECHNICAL CORRECTIONS.

S 1305
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF BUILDING SAFETY IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2006; AUTHORIZING ADDITIONAL FULL-TIME POSITIONS; AND DECLARING AN EMERGENCY.

S 1306
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2006; REDUCING THE APPROPRIATION TO THE STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2006; AND DECLARING AN EMERGENCY.

S 1307
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2006; AND DECLARING AN EMERGENCY.

S 1308
BY EDUCATION COMMITTEE
 AN ACT

RELATING TO POSTSECONDARY EDUCATION; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3726, IDAHO CODE, TO REQUIRE A PUBLISHER OF A TEXTBOOK OR OTHER PRINTED INSTRUCTIONAL MATERIAL WHICH HAS BEEN ADOPTED FOR INSTRUCTIONAL USE AT A POSTSECONDARY IDAHO INSTITUTION TO FURNISH AN ELECTRONIC VERSION FOR USE BY A STUDENT WHO IS BLIND, VISUALLY IMPAIRED, OR HAS A DIAGNOSED READING DISABILITY FOR A PRICE WHICH DOES NOT EXCEED THE PRICE FOR THE EQUIVALENT PRINT VERSION, TO PROVIDE COPYRIGHT PROTECTION OF PUBLISHERS AND TO PROVIDE PROCEDURE.

S 1299, S 1300, S 1301, S 1302, S 1303, S 1304, S 1305, S 1306, S 1307, and S 1308 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 404, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Cameron was recorded present at this order of business.

H 403, by Appropriations Committee, was read the second time at length and filed for third reading.

S 1260, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1277 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Goedde. Total - 1.

Total - 35.

Whereupon the President declared **S 1277** passed, title was approved, and the bill ordered transmitted to the House.

S 1278 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Goedde. Total - 1.

Total - 35.

Whereupon the President declared **S 1278** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:55 a.m. until the hour of 11 a.m., Wednesday, January 25, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary